

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P36109WO/NCB	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/IB2004/003465	International filing date (day/month/year) 08/10/2004	(Earliest) Priority Date (day/month/year) 09/10/2003
Applicant JAGOTEC AG		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 7 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

AEROSOL FORMULATION COMPRISING FORMOTEROL IN SUSPENSION

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. _____

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IB2004/003465

Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)

A pharmaceutical aerosol formulation comprising formoterol fumarate di-hydrate in suspension, and a steroid in solution, and a propellant, ethanol, and optionally a surfactant, wherein the formoterol fumarate di-hydrate has a water content of about 4.8 to 4.28 % by weight, more particularly about 4.5 to 4.28%. A method of producing the formulation characterized in that the formoterol is dried beforehand to a water content of 4.8 to 4.28%.

INTERNATIONAL SEARCH REPORT

International Application No
PCT/IB2004/003465

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61K9/72 A61K31/67 A61K31/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS, EMBASE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X, Y	<p>WO 03/074024 A (CHIESI FARMACEUTICI S.P.A; DAVIES, REBECCA, JAINE; GANDERTON, DAVID; L) 12 September 2003 (2003-09-12) the whole document page 9, lines 1-12 page 11, lines 16-27 page 14, lines 18-21 page 15, lines 9,10 page 16, lines 1,10-26 page 17, line 2 figure 2; examples 1,3,4 claims 1,3,9,13,16,18,19</p> <p style="text-align: center;">----- -/--</p>	1-28

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

7 April 2005

Date of mailing of the international search report

20/04/2005

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/IB2004/003465

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X,Y	US 2002/018753 A1 (BLONDINO FRANK E ET AL) 14 February 2002 (2002-02-14) the whole document paragraphs '0032! - '0034! tables 2,3 claim 19	1-28
X,Y	----- US 6 054 488 A (OLIVER ET AL) 25 April 2000 (2000-04-25) cited in the application the whole document column 3, lines 7-23,45-50 column 4, lines 6-15,22-37 column 6, lines 20-57 column 7, lines 1-57 claims 1,4-8	1-28
X,Y	----- WO 00/48587 A (NOVARTIS AG; NOVARTIS-ERFINDUNGEN VERWALTUNGSGESELLSCHAFT M.B.H; CLARK) 24 August 2000 (2000-08-24) the whole document example 1	1-28
X,Y	----- US 6 475 467 B1 (KELLER MANFRED ET AL) 5 November 2002 (2002-11-05) cited in the application the whole document column 2, lines 22-59 column 3, lines 33-66 column 4, lines 32-65 column 5, lines 1-5,53-62 column 7, lines 50-53 column 8, lines 59-62 column 9, lines 18,37-63; examples 1,4,6,10-12 claims 24,25	1-28
X	----- US 5 709 884 A (TROFAST ET AL) 20 January 1998 (1998-01-20)	28
X,Y	the whole document column 2, line 56 - column 3, line 9 column 4, lines 17,18 claim 1; example 3 -----	1-28

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB2004/003465

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